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APPLICATION NO.		FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/886,297		06/20/2001		Everett Lee Mitchell	3374-4-1-1	8096		
	22442 7	590	02/26/2002					
	SHERIDAN			EXAMINER				
	1560 BROAD' SUITE 1200				TRAN A, PHI DIEU N			
	DENVER, CO	80202			ART UNIT	PAPER NUMBER		
				3635				
					DATE MAILED: 02/26/2002			

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	6	Applicant(s)						
	<u> </u>	09/886,297	-	MITCHELL, EVERETT LEE						
	Office Action Summary	Examiner		Art Unit						
		Phi D A		3635						
Period fo	The MAILING DATE of this communication ap or Reply	pears on the cover s	heet with the co	orrespondence ad	ldress					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above, it he maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S. & \$133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  - Status  - Status										
1)[	Responsive to communication(s) filed on 20	June 2001 .								
2a) <u></u> ☐	This action is <b>FINAL</b> . 2b)⊠ T	his action is non-fina	ıl.							
3)	Since this application is in condition for allow	vance except for form	nal matters, pro	secution as to th	e merits is					
Disposit	closed in accordance with the practice unde ion of Claims	r Ex parte Quayle, 19	935 C.D. 11, 45	53 O.G. 213.						
4)🖾	Claim(s) 14-55 is/are pending in the applicat	ion.								
	4a) Of the above claim(s) is/are withdra	awn from considerati	on.							
5) Claim(s) is/are allowed.										
6)	6) Claim(s) is/are rejected.									
7)	7) Claim(s) is/are objected to.									
8) Claim(s) 14-55 are subject to restriction and/or election requirement.										
Application Papers										
9) The specification is objected to by the Examiner.										
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.										
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).										
11)	The proposed drawing correction filed on	is: a)∏ approved	b) disapprov	ed by the Examin	er.					
If approved, corrected drawings are required in reply to this Office action.										
12) The oath or declaration is objected to by the Examiner.										
Priority (	ınder 35 U.S.C. §§ 119 and 120									
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).										
a) ☐ All b) ☐ Some * c) ☐ None of:										
	1. Certified copies of the priority documer	nts have been receive	ed.							
	2. Certified copies of the priority documer	nts have been receive	ed in Applicatio	n No						
<ul> <li>Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>See the attached detailed Office action for a list of the certified copies not received.</li> </ul>										
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).										
	a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.									
Attachmen	· ·									
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲 No		(PTO-413) Paper No atent Application (PT						

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## DETAILED ACTION

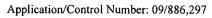
## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 14-52, drawn to a wall system and method of erecting the wall system, classified in class 52, subclass 764.
  - II. Claims 53-55, drawn to a method of sealing a joint, classified in class 29, subclass 252.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions can function differently and having different effects.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Douglas Swartz on 2/22/2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).



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## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A February 22, 2002

Gan D. Friedman
Supervisory Patent Examiner
Group 3600